

HOUSE BILL 2477  
By Halteman Harwel

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to the punishment for the offense of driving under the influence of an intoxicant.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, Part 4, is amended by adding the following as a new section:

Section\_\_\_\_.

(a) In addition to the punishment set out in § 55-10-403, a person convicted of a violation of §55-10-401 shall be required to perform eight (8) hours of community service work. Such community service shall consist of picking up litter along state or local roads.

(b) In order to defray the cost of transporting and supervising persons performing community service work, each such person shall be required to pay five dollars (\$5.00) for each hour of work performed. If the court finds that a person required to perform community service pursuant to this section is indigent, it may waive the per hour fee but such person shall be required to remove litter for an additional four (4) hours.

(c) The department of transportation, utilizing its employees located in each county, shall be responsible for administering and supervising the community service litter removal program established by this section. Provided,

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however, any sheriff who wishes to administer the community service program in such sheriff's county may do so by notifying the commissioner of transportation. If a sheriff elects to administer the program, such sheriff shall be entitled to all per hour fees paid by the persons performing community service.

(d) By the tenth day of each month, each court with jurisdiction to impose sentence upon a person for a violation of § 55-10-401 shall send or cause to be sent to the department of transportation or the sheriff, if applicable, the names and addresses by county of conviction of all persons convicted of such offense during the previous month. The department shall notify the appropriate transportation employee in each county of the persons convicted of a violation of § 55-10-401 in such county during the previous month.

(e) Upon receiving the list the transportation employee or sheriff shall notify each such person of the location, time and date on which the person is to appear to perform the community service work required by this section. To the extent possible, a person convicted of DUI shall be scheduled to perform community service litter removal within thirty (30) days of the date the transportation employee in the county or sheriff receives such person's name.

(f) The knowing failure to report for community service litter removal when notified by the transportation employee or sheriff to do so or the knowing failure to perform the work required upon reporting shall constitute a violation of the person's probation required by § 55-10-403. In the absence of a valid reason such as a documented medical condition that would prevent such person from removing litter at the scheduled time, the department of transportation employee responsible for supervising such person or the appropriate sheriff shall report the probation violation to the appropriate court.

(g) Upon receiving notice from the department of transportation supervisor or sheriff that a person convicted of violating § 55-10-401, has violated such person's probation by failing to report or refusing to remove litter, the court shall conduct a probation revocation hearing and shall take whatever action it deems appropriate.

(h) The department of transportation may promulgate rules in accordance with the provisions of Tennessee Code Annotated Title 4, Chapter 5, to implement and administer the provisions of this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to all persons convicted of violating Tennessee Code Annotated Section 55-10-401 on or after September 1, 1998.